



196-04 HOLLIS AVENUE
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October 14, 2021

VIA ECF

Honorable James L. Cott
United States Courthouse
500 Pearl Street
New York, New York 10007

RE: Kaye v. NYC Health & Hospitals Corp. et. al.
Index No.: 18-cv-12137(JPC)(JLC)

Dear Honorable Judge Cott:

I respectfully write to notify the Court that Plaintiff has received a last minute cancellation from Counsel regarding today's deposition of Dr. Ross MacDonald. I also write in anticipation of Plaintiff's motion to preclude.

At 7:02 this morning, Counsel disclosed that she was ill. I bring this to the Court's attention for following reasons: 1) Due to the late nature of the cancellation, Plaintiff will have to pay the reporters a \$175 cancellation fee; 2) Counsel has not paid the prior cancellation fee that she was ordered to pay for Dr. Yang's cancelled deposition; and 3) Fact Discovery closes tomorrow and Dr. Kaye is scheduled to be deposed tomorrow. While counsel has represented that she will reschedule as soon as possible, we are seeking the Court's intervention in advance to ensure that Dr. MacDonald is deposed.

I also write the Court to request a conference for Plaintiff's anticipated motion to preclude. Plaintiff met and conferred on October 8, 2021 at 2:53pm and the call lasted 12 minutes. At that time, Counsel represented that she would make best efforts to obtain the remainder of Plaintiff's performance evaluations and personnel file. I asked if she would have these items by Tuesday, October 12th, and to date Defense Counsel has yet to produce.

Additionally, Counsel and I have met and conferred on numerous occasions since 2019 about their ESI production. In light of non-party Bloom's production of emails pertaining to Dr. Kaye and her employment during the requested time period, Plaintiff anticipates that she will also be seeking preclusion on these grounds as well. Accordingly, Plaintiff is requesting a conference with the Court as soon as practicable to resolve the discovery disputes described herein.

Respectfully submitted,

/s/

Special Hagan, Esq.
Attorney for Plaintiff



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c: Donna Canfield, Esq.
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